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HOUSE BILL 442

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

HENRY KIKI SAAVEDRA

AN ACT

RELATING TO AUTOMOBILE INSURANCE; PROVIDING THAT UNINSURED
MOTORISTS SHALL NOT HAVE A CIVIL CAUSE OF ACTION IN CERTAIN
CIRCUMSTANCES; ENACTING A NEW SECTION OF THE MANDATORY
FINANCIAL RESPONSIBILITY ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Mandatory Financial
Responsibility Act is enacted to read:

" NEW MATERIAL UNINSURED MOTORISTS-- RESTRICTIONS ON
CIVIL CAUSE OF ACTION. --

A. An uninsured motorist shall not have a civil
cause of action to recover damages from another person that
result from an accident arising out of the operation,
maintenance or use of a motor vehicle, when the other person
is in compliance with the provisions of the Mandatory

Underscored material = new
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1 Financial Responsibility Act.

2 B. Notwithstanding the provisions of Subsection A
3 of this section, an uninsured motorist shall have a civil
4 cause of action against another person pursuant to common law
5 tort principles for economic and non-economic loss, when that
6 person causes:

7 (1) personal injury to the uninsured motorist
8 as a direct result of committing a felony while operating a
9 motor vehicle or while driving under the influence of
10 intoxicating liquor or drugs; or

11 (2) property damage to the uninsured
12 motorist's motor vehicle as a direct result of committing a
13 felony while operating a motor vehicle or while driving under
14 the influence of intoxicating liquor or drugs.

15 C. Insurers are prohibited from paying damages
16 assessed against an insured motorist pursuant to the
17 provisions of Subsection B of this section, except for
18 economic loss.

19 D. Notwithstanding the provisions of Subsection A
20 of this section, an uninsured motorist shall have a civil
21 cause of action against another person pursuant to common law
22 tort principles for economic and non-economic loss, when that
23 person causes:

24 (1) personal injury to the uninsured motorist
25 as a direct result of intentional misconduct; or

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1 (2) property damage to the uninsured
2 motorist's motor vehicle as a direct result of intentional
3 misconduct.

4 E. Insurers are prohibited from paying damages
5 assessed against an insured motorist pursuant to the
6 provisions of Subsection D of this section.

7 F. The provisions of this section are not intended
8 to limit a cause of action in tort against any person other
9 than the individual engaged in operating, maintaining or using
10 a motor vehicle at the time of an accident.

11 G. As used in this section:

12 (1) "economic loss" means pecuniary loss and
13 monetary expense incurred by or on behalf of an injured person
14 as the result of an accidental bodily injury;

15 (2) "non-economic loss" means any loss other
16 than economic loss, including pain, suffering, loss of
17 enjoyment of life, mental anguish, emotional distress and all
18 other non-economic damages; and

19 (3) "uninsured motorist" means a person who
20 is the owner of a motor vehicle or the person responsible for
21 maintaining a motor vehicle liability policy or a certified
22 motor vehicle liability policy on a motor vehicle subject to
23 the provisions of the Mandatory Financial Responsibility Act,
24 but who fails to maintain the minimum required coverages. "

25 Section 2. EFFECTIVE DATE. --The effective date of the

. 120975. 2

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1 provisions of this act is July 1, 1998.

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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6 February 7, 1998
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8 Mr. Speaker:
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10 Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
11 been referred
12

13 HOUSE BILL 442
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15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 JUDICIARY COMMITTEE.

18 Respectfully submitted,
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22 _____
23 Fred Luna, Chairman
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HBI/HB 442

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4 Adopted _____ Not Adopted _____

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6 (Chief Clerk)

(Chief Clerk)

7
8 Date _____

9
10 The roll call vote was 7 For 0 Against

11 Yes: 7

12 Excused: Gubbels, Hobbs, Lutz, Varela

13 Absent: Getty, J. G. Taylor

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